



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1789 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 12 – Streets, Sidewalks, and Public Places – Chapter 12.06, 'Downtown Lodi Business Improvement Area No. 1,' by Repealing and Reenacting Section 12.06.050, 'Establishment of Benefit Fee'"

MEETING DATE: January 17, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1789.

BACKGROUND INFORMATION: Ordinance No. 1789 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 12 – Streets, Sidewalks, and Public Places – Chapter 12.06, 'Downtown Lodi Business Improvement Area No. 1,' by Repealing and Reenacting Section 12.06.050, 'Establishment of Benefit Fee'" was introduced at the regular City Council meeting of January 3, 2007.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

A handwritten signature in black ink, appearing to be "Randi Johl", written over a horizontal line.

Randi Johl
City Clerk

RJ/jmp
Attachment

APPROVED:

A handwritten signature in black ink, appearing to be "Blair King", written over a horizontal line.

Blair King, City Manager

ORDINANCE NO. 1789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING TITLE 12 – STREETS, SIDEWALKS, AND PUBLIC
PLACES – CHAPTER 12.06, "DOWNTOWN LODI BUSINESS
IMPROVEMENT AREA NO. 1," BY REPEALING AND REENACTING
SECTION 12.06.050, "ESTABLISHMENT OF BENEFIT FEE"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Section 12.06.050, "Establishment of Benefit Fee," is hereby repealed and reenacted to read as follows:

All businesses, trades, and professions located within the area boundaries shown on Exhibit A attached to the ordinance codified in this chapter shall pay an annual benefit fee in such amounts as are established from time to time by City Council Resolution.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect 30 days from and after its passage and approval.

Approved this 17th day of January, 2007



BOB JOHNSON
Mayor

Attest:



RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1789 was introduced at a regular meeting of the City Council of the City of Lodi held January 3, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held January 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Katzakian, and Mayor Johnson
NOES: COUNCIL MEMBERS – None
ABSENT: COUNCIL MEMBERS – Hansen and Mounce
ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1789 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



RANDI JOHL
City Clerk

Approved as to Form:



D. STEPHEN SCHWABAUER
City Attorney